

PATENT
DOCKET NO. AME1255P0014US
0114147.00002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Of:

EDWARD T. JONES ET AL.

Serial No.: 10,090,016

Filed: February 20, 2002

For: DIESEL FUEL ADDITIVE
COMPOSITION AND METHOD
FOR THE TREATMENT OF
DIESEL FUELS

Art Unit: 1714

Examiner: Cephia D. Toomer

CERTIFICATE OF MAILING

I hereby certify that the enclosed paper is a true
and correct copy of the "Notice to File Missing Parts"
"Notice to File Missing Parts" addressed to Edward T. Jones
et al., EL647240994US, received by the Patent & Trademark
Office, Washington, D.C., on February 20, 2002.
[Signature]

RESPONSE TO NOTICE TO FILE MISSING PARTS

Box Patent Application
Assistant Commissioner
For Patents
Washington, DC 20231

Sir:

A notice to file missing parts was mailed in the
subject application on April 4, 2002. That document indicated

by one of the inventors, Edward T. Jones, and that such a document must be submitted. Applicants believe that the notice was issued in error. All of the necessary documents were filed when the above-referenced application was filed.

The subject application was filed on February 20, 2002 as a continuation of Application Serial No. 09/377,121 which had been filed on August 19, 1999. Mr. Jones refused to execute the oath in the parent application. Thus, in accordance with 37 C.F.R. § 1.63(d)(3)(I), copies of the following items accompanied that application:

- (1) the declaration executed in the parent application by all inventors except Mr. Jones;
- (2) the information disclosure statement and IDS citations submitted in the parent application;
- (3) decision according status under 37 C.F.R. § 1.47(a); and
- (4) notice of recordation of assignment.

Thus, Applicants believe that all of the requirements for according the subject continuation application a filing date have been satisfied and that the notice should be withdrawn.

Respectfully,
H. W. Jones, et al. in abundance of caution,

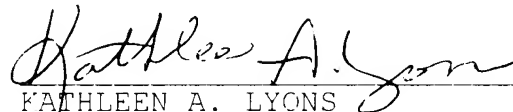
along with Part 2 to the notice to file missing parts, copies of the following documents from the parent application accompany this response:

- (1) Applicants' initial petition under 37 C.F.R. § 1.47(b) (copy of declaration attached);
- (2) the decision refusing status under 37 C.F.R. § 1.47(a);
- (3) request for reconsideration of Applicants' petition under 37 C.F.R. § 1.47(a) (copies of Exhibits A-C attached); and
- (4) decision according status under 37 C.F.R. § 1.47(a).

The enclosed documents establish that the parent application has been accorded status pursuant to 37 C.F.R. § 1.47(a). The subject application, a continuation of that application, is entitled to the same treatment.

In view of the foregoing, Applicants' submit that the fee associated with the usual response to a notice to file missing parts should not apply. If any fees are necessary, the Patent Office is authorized to charge Deposit Account No. 1-1818.

Respectfully submitted,



KATHLEEN A. LYONS

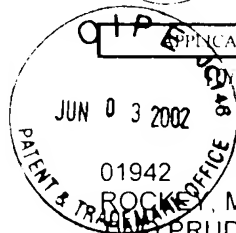
Registration No. 31,852

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WASHINGTON, D. C. 20231
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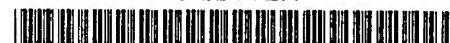


APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
090,016	02/20/2002	Edward T. Jones	AME1255P0014US

01942
ROCKEY, MILNAMOW & KATZ, LTD.
1100 PRUDENTIAL PLAZA, STE. 4700
180 NORTH STETSON AVENUE
CHICAGO, IL 60601

CONFIRMATION NO. 4663

FORMALITIES LETTER



OC000000007789932

Date Mailed: 04/04/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:
Edward T. Jones
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

06/19/2002 SSALLEEKU 00000019 041644 10090016

01 FC:205

65.00 CH

Rockey, Milnamow & Katz, Ltd.

ATTORNEYS AT LAW

INTELLECTUAL PROPERTY
AND RELATED MATTERS

KEITH V. ROCKEY



October 26, 2000

TWO PRUDENTIAL PLAZA
47TH FLOOR
CHICAGO, ILLINOIS 60601
(312) 616-5400
FAX (312) 616-5460

WASHINGTON, D.C. OFFICE
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202
(703) 415-0880
FAX (703) 415-0883

VIA FEDERAL EXPRESS

Mr. Edward T. Jones
836 No. 8th Ave
Sturgeon Bay, WI 54235

Re: Patent Application Entitled
"Diesel Fuel Additive Composition And
Method For The Treatment Of Diesel Fuels"
Docket No. AME1255P0013US

Dear Ed:

As you know, American Energy filed a patent application entitled FUEL ADDITIVE COMPOSITION AND METHOD FOR THE TREATMENT OF FUELS naming you as one of the inventors. After that application was filed, an additional application directed to diesel fuel was filed as a continuation-in-part of the first application. Since you are an inventor on the base application, you are also an inventor on the material common to both applications.

We have received a communication from the United States Patent Office which requires that we present you with a copy of the diesel fuel application for your review as well as a declaration and oath for execution and filing. Enclosed please find copies of those documents as well as a return Federal Express envelope and label. Please review the enclosed, sign and date the declaration and oath and then return all of the materials to our office in the Fed Ex envelope.

~~The papers must be filed with the Patent Office in early~~
December 2000. If we do not hear from you or receive the executed declaration and oath by December 1, 2000, we will assume that you refuse to sign and will advise the Patent Office accordingly.

Very truly yours,


Keith V. Rockey

Enclosures

cc: Mr. Richard Fisher



November 13, 2000

Keith V. Rockey
Rockey, Milnamow & Katz, Ltd.
Two Prudential Plaza
47th Floor
Chicago, Illinois



Dear Keith,

I received your letter and paper work regarding a patent application for American Energy Group, Inc.. I am extremely concerned that you are asking me to sign these documents. On November 11, 1998, I spoke with you regarding the original patent application. I told you that I had a conversation with another person who writes patent applications. That person told me that not only should I not be listed as an "inventor", which you told me I could do even though I only coordinated the product testing and development, but that the product could not be patented because it had been sold for more than one year prior to the application. You told me that Dick Fisher and Ron Likas had told you that it had never been sold - only tested. That was totally false. I informed you that I had sold this product for many years. Your exact words to me were "as an officer of the court, I must immediately rescind the patent application". It is now evident that you did not do that.

I am also in receipt of a document that you purportedly prepared for me to sign stating that I was mistaken and had never sold that product. Your words were that I became "confused" in my deposition. I did not become confused. I refused to sign that document as written. You also made reference regarding the EPA registration. Please be assured that the product was properly registered prior to the registrations filed after the transaction with American Energy Group.

By the way, the ethoxylated lauryl alcohol mentioned in these documents is not something new either.

Based on the information I have now, I certainly cannot sign these documents.

Sincerely,

Edward T. Jones

2000
JAN 11 1999





UNITED STATES PATENT AND TRADEMARK OFFICE



KAL
AME1255P0013US

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Glenn.
703208/207 Applications Branch

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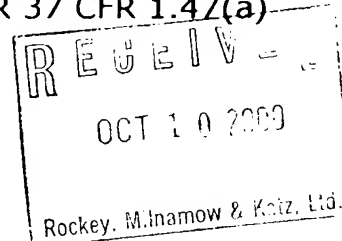
12-5-CO
Reg. for Reconsideration
COPY MAILED

OCT 03 2000

OFFICE OF PETITIONS
A/C PETENTS

In re Application of
Edward T. Jones, Richard Fisher and
Lewis Herro
Application No. 09/377,121
Filed: August 19, 1999
For: DIESEL FUEL ADDITIVE
COMPOSITION AND METHOD FOR THE
TREATMENT OF DIESEL FUELS

:
:
: DECISION REFUSING STATUS
: UNDER 37 CFR 1.47(a)
:
:



This is in response to the petition under 37 CFR 1.47(b), filed November 18, 1999, which has been treated as a petition under 37 CFR 1.47(a).¹

The petition is **dismissed**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor.

FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on August 19, 1999 without an

A petition under 37 CFR 1.47(b) is inappropriate in this instance all but one of the inventors has signed the declaration. A petition under 37 CFR 1.47(a) is appropriate where the petition is entitled to be granted, accordingly the petition will be treated as a petition under 37 CFR 1.47(a).